

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Andrea D. Branch et al.

Serial No.: 09/719,277

Filing Date: December 8, 2000

For: *Novel Hepatitis C Virus Peptides and Uses Thereof*

Attorney Docket No.: RII-003CPUS

Group Art Unit:

Examiner:

Commissioner for Patents
Box Sequence
Washington, D.C. 20231

TRANSMITTAL LETTER FOR DISKETTE CONTAINING SEQUENCE LISTING

Dear Sir:

Enclosed is a diskette which contains a computer readable form of the Sequence Listing for the patent application filed herewith. The Sequence Listing complies with the requirements of 37 C.F.R. § 1.821. The information recorded in computer readable form is identical to the written Sequence Listing appearing on pages 1-3 submitted herewith, and as originally filed on December 8, 2000, as required by 37 C.F.R. § 1.821(f). The computer readable form of the Sequence Listing contained on the enclosed diskette is understood to comply with the requirements of § 1.824(d).

"Express Mail" mailing label number EL 833 312 952 US

Date of Deposit January 3, 2002

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, Box PCT, Washington, D.C. 20231

Olivia Taylor
Signature

Please Print Name of Person Signing
Olivia Taylor

LAHIVE & COCKFIELD, LLP
Attorneys at Law

By *Megan E. Williams*

Megan E. Williams, Esq.

Reg. No. 43,270

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Washington, D.C. 20231

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER
35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE**

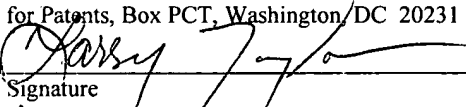
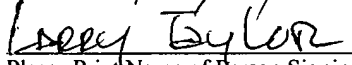
Dear Sir:

Applicants respectfully submit that the *Notification of Missing Requirements Under 35 U.S.C. 371* dated May 3, 2001 requiring a Sequence Listing pursuant to 37 CFR 1.821-1.825 was issued in error by the United States Patent and Trademark Office. Applicants filed a paper copy of the Sequence Listing and a copy of the sequence listing in computer readable format pursuant to 37 CFR 1.821(e) with the application as filed on December 8, 2000. As evidence of the foregoing, Applicants enclose herewith copies of the following: the return postcard stamped by the PCT Branch of the United States Patent and Trademark Office indicating that a paper copy of the sequence listing and a diskette containing the Sequence Listing were received on December 8, 2000 with the application as filed; the transmittal form for the above-identified application dated December 8, 2000 indicating that a paper copy of the sequence listing and a diskette containing the Sequence Listing were transmitted with the application as filed, and a copy of the face of the diskette containing the Sequence Listing which was transmitted with the application as filed on December 8, 2000. In view of the foregoing, it is Applicants' position that the

outstanding *Notification of Missing Requirements Under 35 U.S.C. 371* should be vacated.

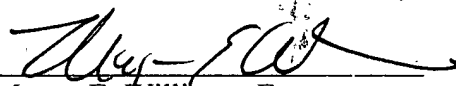
However, in response to the *Notification of Missing Requirements Under 35 U.S.C. 371* dated May 3, 2001, Applicants submit herewith a substitute computer readable form of the Sequence Listing pursuant to 37 CFR 1.821(e) along with a Transmittal for Diskette Containing Sequence Listing. A copy of the *Notification of Missing Requirements* is enclosed as well.

No fees are believed due in connection with this communication. However, please charge any underpayments or credit any overpayments associated with this communication to our Deposit Account No. 12-0080. Applicants request any extensions of time necessary to respond. For this purpose, a duplicate of this letter is enclosed.

"Express Mail" mailing label number <u>EL 833.312 952 US</u>
Date of Deposit <u>January 3, 2002</u>
I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, Box PCT, Washington, DC 20231
 Signature
 Please Print Name of Person Signing

Respectfully submitted,

LAHIVE & COCKFIELD, LLP

By 
Megan E. Williams, Esq.
Reg. No. 43,270
28 State Street
Boston, MA 02109
617-227-7400

Dated: January 3, 2002

NOVEL HEPATITIS C VIRUS PEPTIDES AND USES THEREOF

Office No. RII-003CPUS

THE "RECEIVED" STAMP OF THE PATENT AND TRADEMARK OFFICE
IMPRINTED HEREON ACKNOWLEDGES THE FILING OF:

Description of Paper* and No.: Transmittal Letter (2 sheets in duplicate); Declaration, Petition and Power of Attorney (unexecuted) (4 sheets); PCT International Published Application (WO 99/63941) (without International Search Report) (51 sheets); PCT International Published Application (WO 99/63941) (with International Search Report attached) (3 sheets); Sequence Listing (3 sheets); Diskette Containing Sequence Listing; Check (\$520); Certificate of Express Mailing (1 sheet); and Return Postcard.

Name of Applicant(s): Andrea D. BRANCH et al.

09/719277

Intf. or Serial No.: PCT Chapter II US National (371) Stage of PCT/US99/12929 filed 09 June 1999

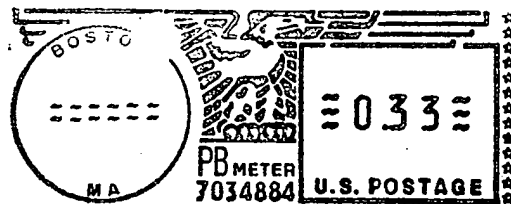
Atty: Giulio A. DeConti, Jr., Esq.

Date: 08 December 2000

*with Certificate of Express Mailing No. EL 589 754 944 US

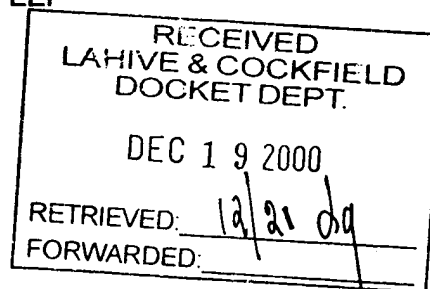
COPY

525 Rec'd PCT/PTO 08 DEC 2000

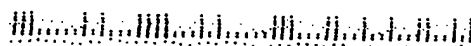


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* Admitted in NY only
** Passed the Patent Bar Examination
*** Admitted in TX only

JC10 Rec'd PCT/PTO 03 JAN 2002 #9

January 3, 2002

Commissioner for Patents
Box PCT
Washington, D.C. 20231

Re: U.S. Patent Application Serial No. 09/719,277
Based on International Application No.: PCT/US99/12929
Applicants: Andrea D. Branch et al.
I.A. Filing Date: June 9, 1999
Title: *Novel Hepatitis C Virus Peptides and Uses Thereof*
Attorney Docket No.: RII-003CPUS

Dear Sir:

I enclose herewith for filing in the above-identified application the following:

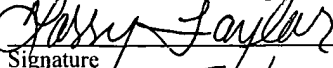
1. Response to Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office;
2. A copy of the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office;
3. A copy of the return postcard stamped by the PCT Branch of the United States Patent and Trademark Office indicating that a paper copy of the sequence listing and a diskette containing the Sequence Listing were received on December 8, 2000 with the application as filed;
4. A copy of the Transmittal form for the above-identified application dated December 8, 2000 indicating that a paper copy of the sequence listing and a diskette containing the Sequence Listing were transmitted with the application as filed;
5. A copy of the face of the diskette containing the Sequence Listing which was transmitted with the application as filed on December 8, 2000;
6. Transmittal Letter for Substitute Diskette Containing Sequence Listing;
7. Three (3) sheets of Sequence Listing;
8. Substitute Diskette Containing Sequence Listing; and
9. A prepaid return acknowledgment postcard.

Please charge any necessary fees to our Deposit Account No. 12-0080. The undersigned requests any extensions of time necessary to respond. For this purpose, a duplicate of this sheet is enclosed.

"Express Mail" mailing label number EL 833 312 952 US

Date of Deposit January 3, 2002


I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, Box PCT, Washington, DC 20231


Signature

Harry Taylor
Please Print Name of Person Signing

Respectfully submitted,

LAHIVE & COCKFIELD, LLP

By 
Megan E. Williams, Esq.
Reg. No. 43,270
28 State Street
Boston, MA 02109
617-227-7400

Rec'd PCT/PTO 03 JAN 2002

FORM PTO-1390 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE (REV 10-2000)		ATTORNEY'S DOCKET NUMBER RH-003CPUS
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C.371		U.S. APPLICATION NO. (If known, see 37 CFR 1.5)
INTERNATIONAL APPLICATION PCT/US99/12929	INTERNATIONAL FILING DATE 09 June 1999 (09.06.99)	PRIORITY DATE CLAIMED 09 June 1998 (09.06.98) 11 June 1998 (11.06.98)
TITLE OF INVENTION NOVEL HEPATITIS C VIRUS PEPTIDES AND USES THEREOF		
APPLICANT(S) FOR DO/EO/US Andrea B. BRANCH, Jose L. WALEWSKI, and Dechard D. STUMP		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<ol style="list-style-type: none"> 1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C.371. 2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371. 3. <input type="checkbox"/> This is an express request to promptly begin national examination procedures (35 U.S.C. 371(f)). 4. <input checked="" type="checkbox"/> The US has been elected by the expiration of 19 months from the priority date (PCT Article 31). 5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) <ol style="list-style-type: none"> a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input checked="" type="checkbox"/> has been communicated by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). 6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C 371(c)(2)). 7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) <ol style="list-style-type: none"> a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input checked="" type="checkbox"/> have not been made and will not be made. 8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). 9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). (unexecuted) (4 sheets) 10. <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)). 		
Items 11. to 16. below concern document(s) or information included:		
<ol style="list-style-type: none"> 11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. 12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included 13. <input type="checkbox"/> A FIRST preliminary amendment. <input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment. 14. <input type="checkbox"/> A substitute specification. 15. <input type="checkbox"/> A change of power of attorney and/or address letter. 16. <input checked="" type="checkbox"/> Other items or information: Transmittal Letter (2 sheets in duplicate); PCT International Published Application (WO 99/63941) (without International Search Report) (51 sheets); PCT International Published Application Cover Sheet (WO 99/63941)(with International Search Report attached) (3 sheets); Sequence Listing (3 sheets); Diskette Containing Sequence Listing; Check (\$520) based on small entity status; Certificate of Express Mailing (1 sheet); and Return Postcard. 		

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)		INTERNATIONAL APPLICATION NO. PCT/US99/12929		ATTORNEY'S DOCKET NO. RII-003CPUS	
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<p>17. <input checked="" type="checkbox"/> The following fees are submitted:</p> <p>BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)) .(a/o November 1, 2000):</p> <p>Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO.....\$1000</p> <p>International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO\$860</p> <p>International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.455(a)(2)) paid to USPTO\$710</p> <p>International preliminary examination fee paid to USPTO (37 CFR 1.482) but all claims did not satisfy provisions of PCT Article 33(1)-(4).....\$690</p> <p>International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(1)-(4).....\$100</p> <p style="text-align: center;">ENTER APPROPRIATE BASIC FEE AMOUNT =</p>				<p>CALCULATIONS PTO USE ONLY</p> <div style="font-size: 4em; opacity: 0.5; margin-top: 50px;">COPY</div>	
<p>Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).</p>				\$--	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	30 -20 =	10	X \$18.00	\$180	
Independent claims	3 -3 =	0	X \$80.00	\$0	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ 270.00	\$--	
TOTAL OF ABOVE CALCULATIONS =				\$1040	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$520	
SUBTOTAL =				\$520	
<p>Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).</p>				\$--	
TOTAL NATIONAL FEE =				\$520	
<p>Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +</p>				\$--	
TOTAL FEES ENCLOSED =				\$520	
				Amount to be: refunded	\$
				charged	\$

a. ☒ A check in the amount of **\$520.00** to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees.
A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit
any overpayment to Deposit Account No. **12-0080**. A duplicate copy of this sheet is enclosed.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Giulio A. DeConti, Esq.
LAHIVE & COCKFIELD, LLP
 28 State Street
 Boston, Massachusetts 02109
 United States of America
 Date: 08 December 2000

SIGNATURE

Megan E. Willams

NAME

43,270

REGISTRATION NUMBER